

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL 2724
16-MD-2724

THIS DOCUMENT RELATES TO:

State Attorneys General Litigation

HON. CYNTHIA M. RUGE

Individual Case No.
17-cv-03768 (CMR)

FILED

SEP 24 2019

By KATE BARKMAN, Clerk
Cep. Clerk

ORDER

AND NOW, this 24th day of September 2019, it is hereby ORDERED that the attached stipulation is APPROVED. The Court will assert specific personal jurisdiction over defendant Emcure Pharmaceuticals Ltd. ("Emcure"), and all pending briefing related to specific or general personal jurisdiction over Emcure (Case No. 17-cv-03768-CMR (Doc. Nos. 155 and 170)) is withdrawn. The Plaintiff States' allegation in its pending opposition brief that the Court could assert general personal jurisdiction over Emcure (Consolidated Amended Complaint in *State of Connecticut et al v. Actavis Holdco US, Inc. et al.*, Case No. 17-cv-03768-CMR (Doc. No. 15) ¶ 20)) is also withdrawn.

It is so ORDERED.

BY THE COURT:


CYNTHIA M. RUGE, J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

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HON. CYNTHIA M. RUFFE

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17-cv-03768 (CMR)

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**JOINT STIPULATION REGARDING THE COURT'S PERSONAL JURISDICTION
OVER DEFENDANT EMCURE PHARMACEUTICALS LTD.**

WHEREAS, on June 18, 2018, the Plaintiff State Attorneys General (the "Plaintiff States") filed a Consolidated Amended Complaint in *State of Connecticut et al v. Actavis Holdco U.S., Inc. et al.*, Case No. 17-cv-03768-CMR (Doc. No. 15), which is centralized for pretrial proceedings as part of *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 16-md-02724-CMR, MDL No. 2724.

WHEREAS, the Consolidated Amended Complaint asserts that this Court may exercise personal jurisdiction over all defendants, including Emcure Pharmaceuticals Ltd. ("Emcure"). Case No. 17-cv-03768-CMR (Doc. No. 15) ¶ 20.

WHEREAS, Emcure and defendant Satish Mehta ("Mr. Mehta") moved jointly to dismiss the Consolidated Amended Complaint on May 31, 2019 pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, on the basis that the Consolidated Amended

Complaint lacks a basis on which to assert general or specific personal jurisdiction over Emcure and Mr. Mehta and lacks factual allegations to support its claim that Emcure and Mr. Mehta participated in a conspiracy in violation of antitrust and consumer protection laws. Case No. 17-cv-03768-CMR (Doc. No. 155).

WHEREAS, on July 26, 2019, Plaintiff States filed an Opposition to Emcure and Mr. Mehta's motion to dismiss, arguing that this Court may exercise specific and general personal jurisdiction over Emcure and specific personal jurisdiction over Mr. Mehta and that the Consolidated Amended Complaint sufficiently states claims against Emcure and Mr. Mehta. Case No. 17-cv-03768-CMR (Doc. No. 170).

WHEREAS, Emcure and Plaintiff States have reached an agreement regarding Plaintiff States' assertion of personal jurisdiction over Emcure and the attendant briefing addressing that issue.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of their respective clients, as follows:

1. Emcure will submit to the Court's specific personal jurisdiction for purposes of the allegations set forth in the Consolidated Amended Complaint in this action, *State of Connecticut et al v. Actavis Holdco U.S., Inc. et al.*, Case No. 17-cv-03768-CMR (Doc. No. 15).

2. Emcure will withdraw its motion to dismiss the Consolidated Amended Complaint pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure.

3. Plaintiff States will withdraw their allegation and argument that the Court can assert general personal jurisdiction over Emcure, and that issue will not be decided by this Court in ruling on Emcure's motion to dismiss. Case No. 17-cv-03768-CMR (Doc. No. 155).

4. This stipulation is not and shall not be construed as a withdrawal of Emcure's

motion to dismiss the Consolidated Amended Complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. Emcure will file a reply in support of that motion on or before September 6, 2019 as previously stipulated and ordered. *See Order, Case No. 17-cv-03768-CMR (Doc. No. 100).*

5. This stipulation is not and shall not be construed as a withdrawal of Mr. Mehta's motion to dismiss the Consolidated Amended Complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) based on lack of personal jurisdiction and failure to state a claim. Mr. Mehta also will file a reply in support of that motion on or before September 6, 2019 as previously stipulated and ordered. *See Order, Case No. 17-cv-03768-CMR (Doc. No. 100).*

Respectfully submitted,

Dated: August 22, 2019

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CERTIFICATE OF SERVICE

This document is being electronically filed through the Court's ECF System. In this regard, counsel for the Emcure Pharmaceuticals Ltd. and Satish Mehta hereby attests that (1) the content of this document is acceptable to all persons required to sign the document; (2) State Plaintiffs' counsel has concurred with the filing of this document; and (3) a record supporting this concurrence is available for inspection or production if so ordered.

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